



San Diego City Attorney **CASEY GWINN**

NEWS RELEASE

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CONTACT: Maria Velasquez, Press Secretary (619) 235-5725 (voicemail & pager)

ILLEGAL GRADING; NURSERY OWNER ORDERED TO PAY \$221,000 IN CIVIL PENALTIES & COSTS

San Diego City Attorney's Office Settles Case

San Diego, CA: Robert D. Barczewski, President of Rancho Del Sol Nurseries, Inc., has been ordered to pay \$221,000 in civil penalties and costs for illegal grading violations committed by the nursery. The settlement was part of a civil enforcement action by the Code Enforcement Unit (CEU) of the City Attorney's Office. "This civil action is consistent with the City's no tolerance policy of illegal grading and destruction of environmentally sensitive land," said San Diego City Attorney Casey Gwinn.

San Diego Deputy City Attorney Michael Neumeyer filed the action against Barczewski and the nursery, after the City's Neighborhood Code Compliance Investigators observed the violations. In 2001 and 2002, Rancho Del Sol Nurseries, Inc. graded and developed large portions of a twenty six acre site in the Carmel Valley area of San Diego, containing a 100-year flood plain, sensitive vegetation, and steep hillsides, into a plant propagation area for its nursery business without the required permits.

Terms of the settlement require Mr. Barczewski to apply for and obtain all necessary permits and final approvals from the City of San Diego, California Coastal Commission, California Department of Fish and Game, and U.S. Army Corps of Engineers to maintain the nursery's development of the site as a plant propagation area, thereby addressing any and all impacts to the McGonigle Canyon Creek, native vegetation, and steep slopes on the properties.

According to Diane Silva Martinez, Head Deputy City Attorney of the Code Enforcement Unit, since December 2001, CEU has obtained over \$454,000 in fines and \$11,220 in investigative costs. In addition, settlement agreements have also required developers to produce educational videos and brochures for the public, as well as setting aside land or money to be dedicated to the preservation of San Diego's sensitive habitats.

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1200 Third Avenue, Suite 1620, San Diego, California 92101-4188 (619) 236-6220